

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 15096 of 2005

Between:

D.M.Saheb S/o.Fakeer Saheb
R/o.Atmakur (K) Kurnool District.

..... PETITIONER

AND

- 1 A.P.S.R.T.C., Rep., by its Vice-Chairman and Managing Director
Musheerabad, Hyderabad.
- 2 The Depot Manager A.P.S.R.T.C., Atmakur (K)
Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or directions, more in the nature of writ of certiorari calling the records in office Order No.P1/369(2)/2005 -ATK(K) dt.22.3.2005 on the file of 2nd respondent and quash the same with all consequential benefits including refund of recovered amount.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the impugned order which is titled as office order dated 22-03-2005 proposing to recover a sum of Rs.1,34,881/- from the salary of the petitioner on the ground that excess salary was paid by way of increments etc.

2. The grievance of the petitioner is that before passing the impugned order, no show cause notice or opportunity was given to explain why the respondents cannot proceed against the petitioner. It is also stated that the impugned order also does not give the particulars, in which year the excess amount was paid or the salary was wrongly fixed. Therefore, sought to quash the impugned order.

3. Heard the learned counsel for the petitioner and the learned Standing counsel.

4. As the impugned order of recovery was passed without issuing any show cause notice and opportunity to the petitioner, it is liable to be quashed on the ground of violation of principles of natural justice.

5. Accordingly, the impugned order is quashed. However, it is open to the respondents to issue a show cause notice with all the details in what way the excess amount was paid to the petitioner and how the petitioner is liable to reimburse the same and after considering the explanation, it is open to the respondents to pass appropriate orders.

6. Accordingly, the writ petition is disposed of. No order as to costs.

S.ANANDA REDDY, J

13th July, 2005

Note:

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Furnish C.C. within two days.

B/o.

SKM

To

- 1 The Vice-Chairman and Managing Director, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
- 2 The Depot Manager A.P.S.R.T.C., Atmakur (K)
Kurnool District.

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